

**REMARKS**

Applicant wishes to thank the Examiner in charge of this application, Ms. Ann Lam, for the courtesy and cooperation she extended Applicant's undersigned counsel during the telephone interview kindly granted on November 19, 2003. During this interview, Applicant's counsel discussed a proposed Amendment D, which had previously been sent to Ms. Lam by telefax on November 12, 2003. The Examiner made a number of constructive suggestions as to the wording of the independent claims and requested that Applicant file a "Request for Continued Examination" so that Applicant's Amendment D, and the Examiner's suggested claim amendment may be entered in the case.

**Accordingly, a RCE is being filed so that Applicant's proposed amendment (submitted as Amendment D) may be entered and formally considered by the Examiner.**

Claims 12-26 have been canceled. Claims 27-41 have been added. Claims 27-41 correspond to canceled Claims 12-26 respectively. The claims were amended as suggested by the Examiner by adding the limitation of the catheter. Adding this limitation to the claims further differ the present invention from the Wojciechowicz ('742 reference).

**No new matter is introduced by these amendments.**

Applicants reviewed the '742 reference (main reference) and note that compared with the independent claims, the reference fails to teach: 1) a unipolar cannula, and 2) a catheter and a cannula in the same device.

**Regarding point 1**

Applicants note that the present invention is directed to a

unipolar cannula, i.e. the **cannula has only one electrode**. A **unipolar cannula** (one electrode) is used for electro-stimulation of the nerve. The electro-stimulation needs only minimal voltage and no electrical power.

The '742 reference requires an electrical conductor connectable to a conventional source of high frequency current.

**Regarding point 2**

The '742 reference does not show a cannula for introducing a catheter. The proximal end of the cannula 22, projects freely into the hollow cavity of the handle as shown in Figure 1C. If a catheter would be introduced into the hollow cavity 26 of the handle 14, the catheter would be caught by the proximal end of the cannula and would not be guided into the cannula.

It is important for the cannula of the present invention that a catheter be introduced into the proximal end of the cannula through the body part. Therefore, the body part has an inlet opening axially aligned with the cannula tube and forming an inlet funnel 32.

Applicants reviewed the Mower reference ('341 reference) and note that compared with the independent Claims, the reference fails to teach: 1) conductive unipolar cannula for anesthesia; 2) an electrically conductive rigid hollow tube; 3) a sharp tip; 4) a body part provided at the proximal end of the cannula tube; 5) a connector electrically connected to the cannula tube; 6) an outer covering extending from the body part out to the sharp tip; and 7) an inlet funnel shaped opening.

The first thing that Applicants note is that the reference is not directed to a cannula for anesthesia. Thus, Applicants do

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not consider this reference to be in the same field of the invention.

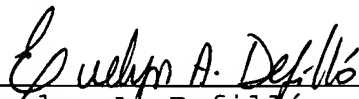
**Combining the references**

Applicants note that the '341 reference does not overcome the deficiencies of the '742 reference. Thus, neither the references taken alone or in combination teach the subject matter claimed in the present invention.

In addition, if the references are combined, it "would require a substantial reconstruction and redesign of the elements shown in the '742 reference, as well as a change in the basic principles under which that reference's construction was designed to operate." Thus, a person skilled in the art will not consider combining the references.

Favorable consideration and early issuance of the Notice of Allowance is respectfully requested.

Respectfully submitted,

  
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**EXPRESS MAIL CERTIFICATE**

"EXPRESS MAIL" MAILING LABEL NUMBER: **EV392066922US**

DATE OF DEPOSIT: **December 22, 2003**

I HEREBY CERTIFY that the foregoing Request for Supplemental Amendment E for U.S. Application No. 09/438,759 filed November 11, 1999, entitled " CONTINUOUSLY CONDUCTIVE UNIPOLAR CANNULA FOR ANESTHESIA" and a stamped receipt postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated and is addressed: ATTN: Mail Stop RCE, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 16-0877.

  
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Bonnie L. Horst